

ABSENT—2.
McKinney, Presler.
EXCUSED—5.
Browning, Whitaker,
Kearby, Wood.
Swayne,

On motion of Senator Baldwin. Senator McComb was excused till next Thursday on important business.

By Senator Imboden:

Amend the General Land Office appropriation by striking out "\$5000" and inserting "\$500" after the words "direction of the commissioner."

Pending action on motion of Senator Crowley the senate adjourned to 10 a. m. to-morrow.

EIGHTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 18, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—26.
Agnew, Imboden,
Atlee, Jester,
Baldwin, Lawhon,
Boren, Lewis,
Bowser, McKinney,
Cranford, Presler,
Crowley, Shelburne,
Dean, Simpson,
Dickson, Smith,
Douglass, Steele,
Goss, Swayne,
Greer, Tips.
Hutchison, Yoakum.

EXCUSED—5.
Browning, Whitaker,
Kearby, Woods.
McComb,

Prayer by the chaplain, Dr. Briggs, as follows:

Our Father! Supply to us, we pray Thee, from Thy unsearchable riches all things needful for the new day. Vouchsafe to the mind the power to set all things in the clear light of reason. Clothe the lips with true, clear and convincing speech. Inspire the will with a courage equal to every duty, and fill the heart with a tenderness that shall temper justice with mercy. Help us as men, as lawmakers and as judges, to do unto others in all things as we would have others do unto us. Grant to us these things, not because we ask for them,

but on account of Thy great mercy and unfailing compassion. And to Thy great name be all praise and honor. Amen.

The Chair stated that the journal of yesterday was so voluminous that the printer had not yet delivered it, and a motion to dispense with reading it would be in order.

Senator Lawhon moved to dispense with the reading of the journal of yesterday.

Carried.

BILLS AND RESOLUTIONS.

By Senator Simpson:

A bill to be entitled an act to repeal articles 4249 and 4250 of the Revised Civil Statutes of Texas, relating to railroads.

Read first time and referred to Judiciary Committee No. 1.

Call concluded.

Senator Imboden entered a motion to reconsider the vote by which

House bill No. 577, a bill to be entitled "An act to prevent the catching or taking of fish, except with the ordinary hook, line and pole, or trot line, and to prevent the use of traps, nets, seines, chinaberries, indiaberries or other poisonous substances, or dynamite, giant powder, nitro-glycerine or other explosive compounds in any waters in the county of Cherokee, State of Texas, for the purpose of catching or taking of fish therefrom," was passed, and same was spread on the journal.

Senator Imboden then moved that the House be requested to return said bill to the Senate for the reason that a motion to reconsider was pending.

Carried.

On motion of Senator McKinney, Calendar Clerk Childress was excused to-day on account of sickness.

HOUSE MESSAGES.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, April 18, 1893.

Hon. M. M. Crane, President of the Senate:

Sir: I am directed by the House to inform the Senate of the passage by the House of the following bill, to-wit:

Substitute Senate bill No. 66, "An act to amend sections 1 and 2 of an act entitled an act to prevent fishing and hunting on the enclosed lands of another, approved March 31, 1885," with Senate amendments.

Respectfully,

GEO. W. FINGER,
Chief Clerk House of Representatives.

The Chair laid before the Senate, House bill No. 295, entitled "An act to fix the rate of taxation on insurance

companies, telephone companies, sleeping and dining car companies and other corporations; to prescribe the time and manner of collecting such taxes; to provide penalties for the violation of the provisions of this act, and to repeal all laws and parts of laws in conflict therewith," action being on Senator Simpson's substitute for the amendment offered by Senator Atlee, to-wit:

By Senator Atlee:

Strike out "two" in line 6 and insert in lieu thereof "one."

By Senator Simpson:

Substitute: Amend section 1, lines 7, 9 and 10, by striking out the word "gross" in said lines and inserting the word "net" in lieu thereof.

Pending action, the Chair gave notice of signing

House bill No. 682, being "An act to authorize and create a more efficient system of public roads and bridges for Cameron, Harris, Fayette, Dallas, Brazos, Coryell and Ellis counties, for the issuance of bonds by said counties for the purpose of constructing permanent public roads, and to authorize the investment of the permanent school fund of the State and of said counties in such bonds; to prescribe for and limit the expenditure of the money arising from the sale of such bonds and to prescribe and define the powers and duties of the commissioners court in reference thereto."

House bill No. 647, "An act to authorize the commissioners court of Nacogdoches county to lay out and condemn land for right of way, and to establish and maintain a first class public road around Orton's Hill in Nacogdoches county."

House bill No. 594, entitled "An act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta, Upshur and Smith, and auxiliary thereto; provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners courts of said counties with regard thereto; to utilize the labor of defaulting poll tax payers on the public roads of said counties, and to provide adequate penalties for the violation of the provisions of this act."

And signed the same after their captions had been read.

IN SENATE.

House bill No. 681, being "An act to restore and confer upon the county court of San Patricio county the civil and criminal jurisdiction formerly be-

longing to said county under the Constitution and General Statutes of the State, and to conform the jurisdiction of the district court of said county to said change."

Read first time and referred to Committee on Judicial Districts.

By consent Senator Atlee made the following committee report:

COMMITTEE REPORT.

COMMITTEE ROOM,

AUSTIN, TEXAS, April 18, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

House bill No. 681, entitled "An act to restore to and confer upon the county court of San Patricio county the civil and criminal jurisdiction heretofore belonging to said county under the Constitution and General Statutes of the State, and to conform the jurisdiction of the district court of said county to said change,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

ATLEE, Chairman.

The Chair announced that the hour fixed for the Senate to go into executive session to consider the Governor's appointments had arrived.

Senator Douglass moved to postpone executive session till pending business be completed.

Lost.

The Senate then went into executive session.

At 1:20 p. m. the executive session arose and, on motion of Senator Cranford the Senate adjourned to 3 p. m. to-day.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called

No quorum, the following Senators answering to their names:

PRESENT—15.

Agnew,	Imboden,
Boren,	Jester,
Cranford,	Lawhon,
Dickson,	Lewis,
Douglass,	McKinney,
Goss,	Steele,
Greer,	Yoakum.
Hutchison,	

ABSENT—11.

Atlee,	Shelburne,
Baldwin,	Simpson,

Bowser,
Crowley,
Dean,
Presler,

Smith,
Swayne,
Tips.

EXCUSED—5.

Browning,
Kearby,
McComb,

Whitaker,
Woods.

Senator Imboden moved a call of the Senate, which was ordered, the following answering to their names:

PRESENT—20.

Agnew,
Atlee,
Bowser,
Cranford,
Dickson,
Douglass,
Goss,
Greer,
Hutchison,
Imboden,

Jester,
Lawhon,
Lewis,
McKinney,
Presler,
Smith,
Steele,
Swayne,
Tips,
Yoakum.

ABSENT WITHOUT LEAVE—6.

Baldwin,
Boren,
Crowley,

Dean,
Shelburne,
Simpson.

EXCUSED—5.

Browning,
Kearby,
McComb,

Whitaker,
Woods.

Senator Imboden called up his motion to reconsider the vote by which

House bill No. 577, a bill to be entitled "An act to prevent the catching or taking of fish, except with the ordinary hook, line and pole, or trot line, and to prevent the use of traps, nets, seines, chinaberries, indiaberries or other poisonous substances, or dynamite, giant powder, nitro-glycerine, or other explosive compounds in any waters in Cherokee county, Texas, for the purpose of catching or taking of fish therefrom," was passed and moved to table same.

Tabled.

The Senate then resumed consideration of

House bill No. 295, entitled "An act to fix the rate of taxation on insurance companies, telephone companies, sleeping and dining car companies and other corporations; to prescribe the time and manner of collecting such taxes; to provide penalties for the violation of the provisions of this act, and to repeal all laws and parts of laws in conflict therewith," as pending business, action being on Senator Simpson's substitute for the amendment offered by Senator Atlee, to-wit:

By Senator Atlee:

Strike out "two," in line 6, and insert in lieu thereof "one."

By Senator Simpson:
Substitute:

Amend section 1, lines 7, 9 and 10, by striking out the word "gross" in said lines and inserting the word "net" in lieu thereof.

Senator Imboden moved a call of the Senate, which was ordered, the following Senators answering to their names:

PRESENT—22.

Agnew,
Atlee,
Boren,
Bowser,
Cranford,
Dickson,
Douglass,
Goss,
Greer,
Hutchison,
Imboden,

Jester,
Lawhon,
Lewis,
McKinney,
Presler,
Simpson,
Smith,
Steele,
Swayne,
Tips,
Yoakum.

ABSENT WITHOUT LEAVE—4.

Baldwin,
Crowley,

Dean,
Shelburne.

EXCUSED—5.

Browning,
Kearby,
McComb,

Whitaker,
Woods.

Pending business going to the table, Senator Lewis called up his concurrent resolution relating to the Legislature taking a recess.

Senator Douglass moved a call of the Senate, which was ordered, the following Senators answering to their names:

PRESENT—25.

Agnew,
Atlee,
Boren,
Bowser,
Cranford,
Crowley,
Dean,
Dickson,
Douglass,
Goss,
Greer,
Hutchison,
Imboden,

Jester,
Lawhon,
Lewis,
McKinney,
Presler,
Shelburne,
Simpson,
Smith,
Steele,
Swayne,
Tips,
Yoakum.

ABSENT WITHOUT LEAVE—1.

Baldwin.

EXCUSED—5.

Browning,
Kearby,
McComb,

Whitaker,
Woods.

Senator Yoakum moved to suspend the call of the Senate on the pending resolution.

Senator Douglass moved as a substitute that the call be suspended on all pending questions.

Carried.

The motion as substituted was adopted.

The question arising as to which of the pending questions should be considered,

The Chair held that the resolution providing for adjournment (recess) had precedence.

By Senator Agnew:

Amend the resolution by adding: "Provided, that during such recess or adjournment the members and employes of the Legislature shall not receive any pay."

By Senator Jester:

Substitute:

Whereas, the attendance of the House of Representatives upon the impeachment trial of the Hon. W. L. McGaughey is not required, and it would be a great inconvenience to that body to attend said trial, and an unnecessary expense to the State; therefore be it

Resolved by the Senate, the House concurring, That the present session of the Legislature take a recess from Wednesday, April 26, at 6 p. m., 1893, to the second Tuesday in June, at 10 a. m., 1893. Be it further

Resolved, That the remainder of the session from the second Tuesday in June be devoted solely to the impeachment trial of Hon. W. L. McGaughey, and that the House shall select fifteen members including the committee of managers and one clerk and the Sergeant-at-Arms, to attend the remainder of the session; provided, that the recess members shall receive no pay.

Senator Smith moved to postpone further consideration of the resolution, amendment and substitute till next Thursday at 3 p. m.

Postponed by the following vote:

YEAS—18.

Atlee,	Imboden,
Boren,	Jester,
Bowser,	Lawhon,
Crowley,	Presler,
Dean,	Shelburne,
Dickson,	Smith,
Douglass,	Steele,
Greer,	Swayne,
Hutchison,	Tips.

NAYS—7.

Agnew,	McKinney.
Cranford,	Simpson,
Goss,	Yoakum.
Lewis,	

ABSENT—1.

Baldwin.

EXCUSED—5.

Browning,	Whitaker,
Kearby,	Woods.
McComb,	

Resuming consideration of House bill No. 295, Senator Simpson's substitute for Senator Atlee's amendment was lost by the following vote:

YEAS—8.

Crowley,	Lewis,
Goss,	Shelburne,
Hutchison,	Simpson,
Imboden,	Smith.

NAYS—15.

Agnew,	Jester,
Atlee,	Lawhon,
Boren,	McKinney,
Cranford,	Presler,
Dean,	Steele,
Dickson,	Tips,
Douglass,	Yoakum.
Greer,	

ABSENT—3.

Baldwin,	Swayne.
Bowser,	

EXCUSED—5.

Browning,	Whitaker,
Kearby,	Woods.
McComb,	

Senator Douglass moved a call of the Senate, which was ordered, the following answering to their names:

PRESENT—24.

Agnew,	Jester,
Atlee,	Lawhon,
Boren,	Lewis,
Cranford,	McKinney,
Crowley,	Presler,
Dean,	Shelburne,
Dickson,	Simpson,
Douglass,	Smith,
Goss,	Steele,
Greer,	Swayne,
Hutchison,	Tips,
Imboden,	Yoakum.

ABSENT WITHOUT LEAVE—2.

Baldwin,	Bowser.
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EXCUSED—5.

Browning,	Whitaker,
Kearby,	Woods.
McComb,	

The pending amendment going to the table, Senator Smith offered the following amendment:

Amend section 1, line 9, by inserting after the word "of," and before the word "one" the following: "One-half of."

Adopted.

Senator Bowser was announced.

Senator Imboden moved to excuse the absentee.

Carried.

Senator Atlee's amendment was then adopted by the following vote:

YEAS—15.

Agnew,	Imboden,
Atlee,	Lewis,
Bowser,	Shelburne,
Cranford,	Simpson,
Crowley,	Smith,
Dean,	Swayne,
Goss,	Yoakum.
Hutchison,	

NAYS—10.

Boren,	Lawhon,
Dickson,	McKinney,
Douglass,	Presler,
Greer,	Steele,
Jester,	Tips.

ABSENT—1.

Baldwin.

EXCUSED—5.

Browning,	Whitaker,
Kearby,	Woods.
McComb,	

Senator Imboden moved to reconsider the vote by which the amendment was adopted, and to lay that motion on the table.

Senator Douglass moved a call of the Senate, which was ordered, the following answering to their names:

PRESENT—25.

Agnew,	Jester,
Atlee,	Lawhon,
Boren,	Lewis,
Bowser,	McKinney,
Cranford,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Yoakum.
Imboden,	

ABSENT WITHOUT LEAVE—1.

Baldwin.

EXCUSED—5.

Browning,	Whitaker,
Kearby,	Woods.
McComb,	

Senator Atlee moved to excuse the absentee for the remainder of the evening session.

Lost by the following vote; requiring a two-third vote:

YEAS—16.

Agnew,	Hutchison,
Atlee,	Imboden,
Bowser,	Lawhon,
Cranford,	Lewis,

Crowley,	Shelburne.
Dean,	Simpson,
Goss,	Smith
Greer,	Yoakum.

NAYS—9.

Boren,	Presler,
Dickson,	Steele,
Douglass,	Swayne,
Jester,	Tips.
McKinney,	

ABSENT—1.

Baldwin.

EXCUSED—5.

Browning,	Whitaker,
Kearby,	Woods.
McComb,	

Pending business going to the table, Senator Atlee called up

Senate bill No. 66, entitled "An act to amend sections 1 and 2 of an act entitled an act to prevent fishing and hunting on the enclosed lands of another, approved March 31, 1885," with House amendments thereto, and moved that the Senate concur in said amendments.

Concurred.

Senator Smith moved to suspend pending business and take up

House bill No. 657, a bill to be entitled "An act to create a more efficient road system in the county of Guadalupe and auxiliary thereto; to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners court with regard thereto; to utilize the labor of county convicts and defaulting poll taxpayers on the public roads of said county, and to provide adequate penalties for the violation of the provisions of this act."

Carried.

Senator Imboden entered a motion to reconsider the vote by which the Senate concurred in House amendments to Senate bill No. 66, and same was spread on the journal.

(Senator Baldwin was announced.)

The Senate being full, consideration of Senate bill No. 295 was resumed, action being on Senator Imboden's motion to reconsider the vote by which Senator Atlee's amendment was adopted, and to lay that motion on the table.

Tabled by the following vote:

YEAS—15.

Agnew,	Hutchison,
Atlee,	Imboden,
Baldwin,	Lewis,
Bowser,	Shelburne,
Cranford,	Simpson,
Crowley,	Smith,
Dean,	Yoakum.
Goss,	

NAYS—10.

Boren,	McKinney,
Dickson,	Presler,
Douglass,	Steele,
Jester,	Swayne,
Lawhon,	Tips.

ABSENT—1.

Greer.

EXCUSED—5.

Browning,	Whitaker,
Kearby,	Woods.
McComb,	

By Senator Simpson:

Amend pages 4 and 5 by striking out all of section 5 of this act.

Lost.

Senator Imboden called up his motion to reconsider the vote by which the second committee amendment was lost.

The motion to reconsider was lost by the following vote:

YEAS—10.

Baldwin,	Greer,
Boren,	Imboden,
Bowser,	Presler,
Crowley,	Shelburne,
Dickson,	Swayne.

NAYS—15.

Agnew,	Lawhon,
Atlee,	Lewis,
Cranford,	McKinney,
Dean,	Simpson,
Douglass,	Smith,
Goss,	Tips,
Hutchison,	Yoakum.
Jester,	

EXCUSED—4.

Browning,	Whitaker,
Kearby,	Woods.

Senator Steele, voting "nay," stated that he was paired with Senator McComb, who was absent, and would vote "aye."

(Senator Lewis in the chair.)

By Senator Bowser:

Amend by striking out line 1 of engrossed rider.

Lost.

Section 2 read.

Section 3 read.

Section 4 read.

Section 5 read.

By Senator Atlee:

Amend section 5, by adding thereto: "Provided, the provisions of this article shall not apply to the corporations or companies mentioned in sections 1, 2 and 3 of this act."

(Lieutenant Governor Crane in the chair.)

Lost.

On motion of Senator Simpson,

Senate adjourned till to-morrow morning at 10 o'clock.

EIGHTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 19, 1893.

Senate met pursuant to adjournment.

(Lieutenant Governor Crane in the chair.)

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—28.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Cranford,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Woods,
Imboden,	Yoakum.

EXCUSED—3.

Browning,	Whitaker.
Kearby,	

The chaplain, Dr. Briggs, being absent, Dr. E. B. Wright, pastor of the First Presbyterian church of Austin, was introduced and prayed as follows:

Almighty and everlasting God, our heavenly Father: We thank Thee for Thy continued loving kindness and tender mercies. Grant unto this Senate the especial wisdom and guidance needed for the duties this day. May all legislation enacted beneath this roof be for Thy glory, for the conserving of good government and for the peace and prosperity of the people. Grant unto these, Thy servants, to be faithful even unto death, and after death to enter into the inheritance of Thy redeemed in glory forever. All this we ask for Jesus sake.

Our Father which art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us, and lead us not into temptation, but deliver us from evil, for thine is the kingdom and the power and the glory forever and ever. Amen.